

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

CELLULAR COMMUNICATIONS	§	
EQUIPMENT LLC,	§	
	§	
	§	
Plaintiff,	§	CASE NO. 6:13-CV-507
	§	
v.	§	Consolidated Lead Case
	§	
HTC CORPORATION, et al.,	§	
	§	
Defendants.	§	

ORDER

Before the Court is the Joint Motion to Stay Claims Pertaining to the '8923 Patent and to Amend Docket Control Order ("Joint Motion") (Doc. No. 518) filed in connection with consolidated Civil Action No. 6:13-cv-507 (the "507 cases"). For the reasons stated below, the Motion is **GRANTED-IN-PART** and **DENIED-IN-PART**.

The parties requested that the Court stay all claims in 6:13-cv-507 and 6:13-cv-511 pertaining to U.S. Patent No. 7,218,923 ("the '8923 patent") pending *inter partes* review of that patent. Doc. No. 518. On January 4, 2016, the Patent Trial and Appeal Board issued its Final Written Decision in Case No. IPR2014-01133 concluding that "Petitioner has not shown by a preponderance of the evidence that claims 1, 2, 4, 5, 8, 24, 25, and 31 are unpatentable under 35 U.S.C. §§ 102(b), 103(a)." Final Written Decision at 15, *HTC Corporation, et. al. v. Cellular Communications Equipment LLC*, No. IPR2014-01133 (P.T.A.B. Jan 4, 2016). Therefore, the portion of the motion requesting to stay all claims pertaining to the '8923 patent pending *inter partes* review is **DENIED AS MOOT**.

The parties also moved to amend the docket control order (Doc. No. 517) to conform

with the schedule set forth in the current docket control order entered in Civil Action 6:14-cv-759 (Doc. No. 150), which would move the trial date from its current date of June 20, 2016 to September 6, 2016. These cases will have been pending for over three years by the time they reach trial in September. However, due to the unique circumstances of the 507 cases, the Court previously moved the original trial date from April 2015 to June 2015 to allow the parties sufficient time for discovery. *See* Doc. Nos. 453 and 495. In the Joint Motion, the parties have brought to the Court's attention particularly challenging and time-consuming issues with third-party discovery. Doc. No. 518 at 2 n. 4. As such, the portion of the Joint Motion requesting to amend the current docket control order to conform to that of 6:14-cv-759 is **GRANTED**. This is the last time the Court will move the trial date. Accordingly, it is

ORDERED that the docket control order (Doc. No. 517) is amended to conform with the schedule set forth in the current docket control order entered in Civil Action 6:14-cv-759 (Doc. No. 150). Within ten (10) days of the entry of this Order, the parties are **ORDERED** to submit an up-to-date Docket Control Order.

So ORDERED and SIGNED this 7th day of January, 2016.



K. NICOLE MITCHELL
UNITED STATES MAGISTRATE JUDGE